

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 2, 10, 21, and 27 have been amended. No claims have been cancelled. No new claims have been added. Therefore, claims 1-30 are presented for examination. The following remarks are in response to the final Office Action, mailed July 12, 2007.

35 U.S.C. §103 Rejection

Thomas and Hertz

The Examiner has rejected claims 1-2, 5, 7, 9-10, 12-13, 17-19 and 27-29 under 35 U.S.C. §103(a) as being anticipated by Thomas et al., U.S. Patent Publication No. 2005/0149964 (“Thomas”) in view of Hertz, U.S. Patent No. 5,758,257 (“Hertz”). The independent claims are amended to better explain the weighted average process previously mentioned. This is described in the specification in paragraphs 35-38.

Previously, the Examiner had referred to Col. 11, lines 25-29 in this regard. This section does contain the expression “weighted average.” This section is about characteristics of programs, not viewers and the weighted average is a much more complex intermediate measure. It is not a rating. This significant difference in the analysis of Herz and that of the claims, as amended traverse the instant rejection.

Claim 2 has also been amended based on paragraph 37 and is now directed to a unique feature not suggested in any reference.

With respect to Claim 6, Applicants note that in Herz, the answer is specific to the video program, but there is no indication that the questionnaire is specific to the video program.

Claim 10 has also been amended based on paragraph 30 and is now directed to a unique feature not suggested in any reference.

Other 35 U.S.C. §103 Rejections

Thomas, Hertz and McKenna

The Examiner has rejected the remaining claims under 35 U.S.C. §103(a) as being obvious in light of by Thomas and Hertz in further view of a variety of other references. These rejections all depend on the Thomas, Hertz rejection discussed above and are believed to be traversed on the same grounds.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 12, 2007



Gordon R. Lindeen III
Reg. No. 33,192

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1030
(303) 740-1980